

House Bill 838

By: Representatives Dobbs of the 53rd and Wilkinson of the 52nd

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to administration and enforcement of provisions regarding registration and licensing of motor vehicles, so as to provide for suspension of a vehicle's license plate and tag registration in the event the vehicle has accumulated two or more parking violations which are unpaid or otherwise not disposed of as provided by law; to provide for a definition; to provide for implementation; to provide for related matters; to provide for an effective date subject to and contingent upon funding; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 6 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to administration and enforcement of provisions regarding registration and licensing of motor vehicles, is amended by adding a new Code section to read as follows:

"40-2-139.

(a) As used in this Code section, the term 'parking violation citation' means a citation for the violation of a parking ordinance enacted by any local political subdivision of this state.

(b) The clerk of each court that processes parking violation citations in this state shall electronically transmit to the department the citation number, jurisdiction, and the vehicle's license plate number on such citation in the event that the fine for such citation is not paid when due or the owner of such vehicle otherwise fails to cause a proper disposition to be made of such citation.

(c) The department shall suspend the license plate and tag registration of any vehicle whose owner has on two or more occasions failed to pay a fine for a parking violation citation, failed otherwise to cause a proper disposition to be made of a parking violation citation, or failed to respond to a parking violation citation by failing to appear before a court of competent jurisdiction in this state for a parking violation citation.

(d) Each local political subdivision shall include language in the parking violation citation stating that failure to appear and respond to two such citations for the same vehicle shall result in the suspension of the license plate and tag registration of the owner's vehicle. Such language shall be sufficient notice of said suspension to support a conviction for a violation of Code Section 40-2-8 if such vehicle is operated subsequent to the imposition of such a suspension following the owner's failure to appear.

(e) Notwithstanding the foregoing, the department shall send notice of any suspension imposed pursuant to this Code section. Such notice shall be sent via certified mail to the address reflected on the department's records as the vehicle owner's mailing address. The mailing of such notice by the department shall be deemed conclusively to be notice to such owner of the suspension of his or her vehicle's license plate and tag registration and shall be deemed to satisfy all notice requirements of law, and no further notice to such owner shall be required for the suspension provided for in this Code section.

(f) The suspension provided for in this Code section shall be for an indefinite period until such owner shall respond and pay any fines and penalties imposed. Such owner's vehicle's license plate and tag registration shall be reinstated if the owner submits proof of payment of the fine or other disposition of the parking violation citation from each court of competent jurisdiction and pays to the department a restoration fee of \$50.00 or \$60.00 when such reinstatement is processed by mail. Such suspension shall be in addition to any other suspension or revocation provided for in this chapter.

(e) The department shall prescribe the form and manner of electronic transmission for the purpose of the clerk of court's sending the notice required by this Code section.

(f) The commissioner may promulgate such rules and regulations as are necessary to implement this Code section."

SECTION 2.

This Act shall become effective only upon the effective date of a specific appropriation of funds for the purposes of this Act as expressed in a line item making specific reference to the full funding of this Act in an appropriations Act enacted by the General Assembly.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.